MULTIMEDIA UNIVERSITY

STUDENT IDENTIFICATION NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2020/2021

UJP3712 – JURISPRUDENCE

(All sections / Groups)

15 MARCH 2021
Reading Time : 2.45 p.m. – 3.00 p.m.
(15 Minutes)
Answering Time: 3.00 p.m. – 6.00 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 questions only.

3. Attempt **TWO** questions in **PART A** and **ALL** questions in **PART B**. The distribution of the marks for each question is given.

4. Students are not allowed to bring in any statute and calculator into the Examination Hall.

5. Please write all your answers in the Answer Booklet provided.

PART A
(ANSWER ANY TWO QUESTIONS)

QUESTION 1

Legal philosophers in the Natural Law tradition at various times refer either to a deity (e.g. God) or to human reasoning to construct their theory of Natural Law.

Explain two similarities and two differences each between these two approaches to Natural Law.

(20 marks)

QUESTION 2

Karl Llewellyn is generally regarded as one of the greatest realists of the twentieth century.

Discuss three potential benefits of adopting Llewellyn's 'grand style' approach in Malaysian legal system.

(20 marks)

QUESTION 3

Dworkin's "attack" on Hart's theory actually provides a theoretical ground on which Dworkin presents his own view in a way that they were both engaged in the same enterprise.

Discuss.

(20 marks)

Continued …

PART B
(ANSWER ALL QUESTIONS)

QUESTION 4

The normative approach to law and economics is to seek laws which are efficient.

Section 341 of the National Land Code (revised 2020) states that:

> "Adverse possession of land for any length of time whatsoever shall not constitute a bar to the bringing of any action for the recovery thereof by the proprietor or any person or body entitled to an interest therein, and accordingly, the Limitation Act 1953 [Act 254], shall in no circumstances operate to extinguish any title to, or interest in, land."

Explain how having a law against trespass to land by squatters such as section 341 above is efficient.

(30 marks)

Continued …

QUESTION 5

"Then Snowball took a brush between the two knuckles of his trotter, painted out MANOR FARM from the top bar of the gate and in its place painted ANIMAL FARM. This was to be the name of the farm from now onwards. After this they went back to the farm buildings, where Snowball and Napoleon sent for a ladder which they caused to be set against the end wall of the big barn. They explained that by their studies of the past three months the pigs had succeeded in reducing the principles of Animalism to Seven Commandments. These Seven Commandments would now be inscribed on the wall; they would form an unalterable law by which all the animals on Animal Farm must live for ever after. With some difficulty (for it is not easy for a pig to balance himself on a ladder) Snowball climbed up and set to work, with Squealer a few rungs below him holding the paint-pot. The Commandments were written on the tarred wall in great white letters that could be read thirty yards away." (Orwell)

THE SEVEN COMMANDMENTS:

1. Whatever goes upon two legs is an enemy.
2. Whatever goes upon four legs or has wings, is a friend.
3. No animal shall sleep in a bed
4. No animal shall drink alcohol.
5. No animal shall kill other animal.
6. No animal shall wear clothes.
7. All animals are equal.

"It was very neatly written, and except that 'friend' was written 'freind' and one of the 'S'' was the wrong way round, the spelling was correct all the way through. Snowball read it aloud for the benefit of the others. All the animals nodded in complete agreement, and the cleverer ones at once began to learn the Commandments by heart." (Orwell)

In view of dichotomy of power and totalitarianism, critically evaluate the "unalterable" nature of laws in light of altered commandments that why powerful people get everything they want as depicted in the Animal Farm.

(30 marks)

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